

REMARKS

In conjunction with the accompanying request for continued examination (RCE), reconsideration of this application based on the foregoing amendment and the following remarks is respectfully requested.

The Final Rejection of December 5, 2003 is in reply to the applicant's Response Under 37 CFR 1.111 of September 12, 2003 to the Official Action of June 17, 2003. Claims 1-4 are the elected claims; claims 5-11 are withdrawn as being directed to a non-elected invention.

In the Response of September 12, 2003, the applicant amended claim 1 to overcome a rejection under 35 U.S.C. 112, second paragraph, that claim 1 was indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

The Examiner also rejected claims 1-3 under 35 U.S.C. 102(b) allegedly as being anticipated by Shishido et al, JP 9-311323, published December 2, 1997. Claim 4 was rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over Shishido et al in view of the Applicant's Admitted Prior Art (APA), FIG. 5A. The Examiner cited Nishino et al (US 6,010,384 - filed August 27, 1998 - issued January 4, 2000) as prior art made of record and not relied upon as considered allegedly pertinent to the applicant's disclosure.

Prior to addressing the rejections over the prior art in the Final Rejection of December 5, 2003, the applicant calls to the Examiner's attention that in order to enhance the recitation of the claims of the present invention, the applicant has amended claim 1 in part to recite the limitations of a dummy seal layer as follows:

--adhering said two sheets of substrates to each other so that said faces on which said scribe cracks are formed oppose each other via a seal layer disposed so as to enclose an area, on which a liquid crystal layer is scheduled to be formed, and via a dummy seal layer disposed to prevent bias of stress when cutting the substrate;--

Support for the amendment to claim 1 is found in FIG. 7A of the present application wherein a dummy seal agent 23 is disclosed on the extra length portion 3. There is a corresponding discussion of the dummy seal agent 23 in the specification beginning on page 21, line 28, to page 22, line 10, which discloses in part:

“Subsequently, the first substrate 11 and the second substrate 12 are superimposed via the seal agent 22, the dummy seal agent 23 and the spacer (not shown), irradiating ultraviolet light while pressurizing the seal agent 22 and the dummy seal agent 23 are hardened....”

On page 24, lines 16-18, it is disclosed with respect to FIGS. 8A and 8B that: “The dummy seal layer 21 is provided in order to prevent the bias of the stress when cutting the substrate(s) at the scribe crack(s).”

For proper antecedent basis, the applicant has also amended claims 2-4 to recite --at least one of said at least two scribe cracks--.

Therefore, no new matter has been added by the amendments to claim 1-4.

**35 U.S.C. 103(a) Rejections: Claims 1-4**

In view of the applicant's prior amendments to claim 1 to overcome the rejection under 35 U.S.C. 112, second paragraph, the Examiner indicates that the applicant's arguments with respect to claim 1 have been considered but are moot in view of the new grounds of rejection.

The Examiner now rejects claims 1-3 under 35 U.S.C. 103(a) allegedly as being unpatentable over Nishino et al in view of Shishido et al.

The Examiner now rejects claim 4 under 35 U.S.C. 103(a) allegedly as being unpatentable over Nishino et al in view of Shishido et al and further in view of the Applicant's Admitted Prior Art (APA), FIG. 5A.

With respect to claims 1-3, the Examiner asserts that Nishino et al disclose all of the limitations of those claims except for scribe cracks forming on the inner side of each substrate of the LCD so that the scribe cracks are facing each other via the seal layer. The Examiner asserts that Shishido et al disclose a method of forming the same in which scribe cracks 11, 24 can be formed outside (FIG. 1, step 103) or inside surface (FIG. 3) of a substrate, *and then adhering together via a seal layer 13, wherein the scribe crack is formed on the sealant area (step 301)*.

The Examiner concludes that therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ intersecting scribe cracks on an inner surface of each substrate as shown by Shishido et al to properly cut off LCD cells without generating a break and an oblique crack in glass substrates (Abstract).

With respect to the rejection of claims 1-3, the applicant respectfully maintains that the Examiner has misidentified component 13 in FIG. 3, step 301, as a seal layer whereas components 12 and 13 are actually frame types, not seal layers, according to the machine translation [0035].

Neither do Nishino et al nor Shishido et al disclose, teach or suggest the limitations of claim 1 of a dummy seal layer disposed to prevent bias of stress when cutting the substrate.

In addition, in Shishido et al, the frame types 12 and 13, even if they are seal layers, are not formed on the scribe crack, as recited by claim 2.

Nishino et al, FIG. 10D, discloses scribe lines ASL-2 and CSL-2 in substrate mother glass 100M and 200M in which the scribe lines appear to be formed over a pillar-like spacer 210. Next to the pillar-like spacer 210 is a sealing material 106.

Therefore, with respect to claim 2, neither Nishino et al nor Shishido et al, taken alone or in combination, disclose, teach or suggest the limitations of claim 2 of a seal layer formed on at least one of said at least two scribe cracks.

As a result, claims 1-3 patentably distinguish over Nishino et al in view of Shishido et al in view of the arguments in favor of claims 1 and 2.

With regard to claim 4, the applicant maintains that the AAPA does not overcome the deficiencies of Nishino et al in view of Shishido et al. Therefore, claim 4 patentably distinguishes over the prior art.

Consequently, the applicant respectfully requests the Examiner to withdraw the rejections of claims 1-4 over the prior art.

The applicant respectfully calls to the Examiner's attention that the foregoing arguments are based on the machine translation of JP 9-311323 provided by the Japan Patent Office. The applicant did receive from the United States Patent and Trademark Office an English abstract along with the patent as published in Japanese.

The applicant's representative, Anthony N. Fresco, spoke to the Examiner on January 5, 2004 after previously requesting that the Examiner FAX a copy of the English translation of the reference which he used to develop his arguments. The Examiner replied that he would not send any English translation since he also based his arguments on the internet available machine translation and the figures and his knowledge of the art.

The foregoing amendment and remarks establish the patentable nature of all of the claims under consideration in the application, i.e., claims 1-4. No new matter has been added. Wherefore, early and favorable reconsideration and issuance of a Notice of Allowance are respectfully requested.

Respectfully submitted,  
*Anthony N. Fresco*  
Anthony N. Fresco  
Registration No. 45,784

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
516-742-4343/4366 FAX

ANF:yd